

MINUTES
BOARD OF ADJUSTMENT
APRIL 7, 2016

ROLL CALL:

Liza Streett	Susan M. Istenes, Planning Director
Ray Tait	Ken Heinz, Acting City Attorney
Mary DeBenedetti	
Rick Bliss	
Acting Chairman Mel Disney	

Acting Chairman Disney called the meeting to order at 5:05 p.m.; acknowledging the late start. He welcomed everyone to the meeting and noted that there are two matters up for consideration this evening and that there was a full complement of the Board (5 members) in attendance. All Board members and city staff introduced themselves.

The minutes of the November 5, 2015 meeting were presented for approval. The minutes were approved after having been previously distributed to each member. The minutes of the March 3, 2016 meeting were presented for approval. There were a few changes that needed to be made including a correction to the spelling of Liza's last name (Streett vs Street) throughout the document, and other minor changes. The minutes were approved, as amended/corrected, after having been previously distributed to each member.

APPEAL FROM LAUREN STRUTMAN, ARCHITECT ON BEHALF OF BRUCE AND
MICHELLE BRYAN, OWNERS, FOR THE PROPERTY AT 228 TOPTON WAY

Acting Chairman Disney verified that the applicant was in attendance.

Those wishing to speak were sworn in by Kathy Scott, Planning Technician/Recording Secretary.

Acting Chairman Disney asked if the City had any exhibits to present with regard to this appeal.

Acting City Attorney Heinz presented the following exhibits:

- A. City of Clayton Code of Ordinances & City Master Plan
- B. Zoning Review Application & Denial Letter
- C. Application for appeal
- D. Drawings submitted by applicant
- E. Staff Report
- F. Letter (original) signed by 9 neighboring property owners supporting the variance (which was just provided by the applicant)

Acting Chairman Disney asked the applicant if she had any objections to these exhibits being made part of the record.

Ms. Strutman replied “no”. She informed the members that instead of a tear-down, the owners have decided to rehab the house and part of that rehab includes enlarging the existing box bay window on the front elevation to make it taller.

A color photo of the house as it appears today was presented.

A color rendering of the house after the proposed revision to the box bay was presented.

Ms. Strutman indicated that they believe the enlargement will enhance the overall appearance of the home. She distributed a copy of the letter marked Exhibit “F” and a photo collage of other area homes with similar features to that being proposed. Ms. Strutman noted that a number of ranch homes contain taller features. She concluded by stating that she believes this is a simple request and asked if any of the members had any questions.

Acting Chairman Disney asked if there were Trustees in that neighborhood.

Ms. Strutman replied “no”.

Hearing no further questions or comments from the members and hearing none from the audience, Rick Bliss made a motion to approve the variance as requested (a 2.6-foot variance from the required front yard setback of 30 feet (Section 405.1900.A.1). The motion was seconded by Mary DeBenedetti and unanimously approved by the Board.

APPEAL FROM DAVID COOPERSTEIN, REPRESENTING KOL RINAH, FOR THE
PROPERTY LOCATED AT 7701 MARYLAND AVENUE

Gary Feder, attorney representing Kol Rinah, and David Cooperstein, Kol Rinah’s VP of Facilities, were in attendance at the meeting.

Mr. Feder stated that they want to become part of Clayton and that this is a result of a merger of two smaller synagogues located in University City and Richmond Heights, (Richmond Heights will be closing next week, into one synagogue. He noted that the property is currently operated by Journey Church. He stated that Kol Rinah is a positive thing for the community; that they made an effort to reach out to the community and that they have received positive feedback. He indicated that the project will also need site plan and architectural review and that they are here today to request two variances – one for parking and the other for lot coverage. Referring to the staff report, he mentioned many reasons the variances are justified.

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Acting Chairman Disney asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Feder replied “no”.

Mr. Cooperstein stated that they merged 3 years ago; sold the Linden Property and moved to the property on North Hanley temporarily. He stated that they looked for an optimal new location for 2 years and Clayton was the result; noting that the Journey Church will be moving into their former University City location (property swap).

Mr. Cooperstein presented a slide depicting an aerial view of the property and a slide depicting pictures of the interior and exterior of the building. He noted that the plan is to renovate the existing building and construct an addition to the south end of the structure. He stated that an expansion to the parking is crucial for their elderly, office staff and daily services. He stated that they plan to increase on-site parking to 40 spaces.

Slides depicting floor plans were shown. Mr. Cooperstein noted that the lower level will be used for the Early Childhood Center and the upper level will be rented out to other offices.

A slide depicting the Hanley Road elevation was presented. Mr. Cooperstein stated that there will be no change to the Hanley Road elevation or to the north elevation. He stated that the west side will have an entry tower and a recessed playground that won't be visible from Hanley Road; the addition will be located on the south side of the building (elevation slides shown). He noted that they want one main entrance to the building.

Mary DeBenedetti asked if they had more detail regarding the proposed landscaping.

Mr. Cooperstein indicated that they did; however, those drawings were not available as they were not required for this submittal. He stated that they are trying to preserve as many trees and maintain as much greenspace as possible and that landscape screening will be provided on the south and western portions of the property, using native grasses and plantings.

Mr. Feder informed the members that essentially, the parking is non-conforming and that the City requires, if an addition is constructed whereby the square footage of the addition is 20% or more of the existing square footage that the entire building be brought into compliance with the parking regulations. He stressed that in order to fulfill the facility's needs, the proposed addition is necessary and that they believe 40 on-site spaces is adequate. He noted that the City does consider/include parking that is located within 500 feet of the subject property provided that parking is exclusive for that use; their back-up parking, up to 130 spaces, will be at the Pierre LaCled Center [more than 500 feet away]. He stated that Kol Rinah essentially functions on the weekends from 6 p.m. Friday through Sunday; noting that Pierre LaCled does not need parking on weekends. He stated that it is not economically feasible to park 140 cars on-site and that the staff report states that there have been no complaints regarding parking in the past and asked that the requested variance be granted. He stated that with regard to the impervious coverage variance, the sidewalk is included in the impervious coverage calculations (as it is located within the property boundaries); typically, sidewalks are outside the property boundaries and are

therefore, not included in the coverage calculations. He noted that the Plan Commission can approve coverage up to 60%, so the 1.43% extra coverage they are requesting is extremely minor.

Acting Chairman Disney commented that the facility will be used daily for the Early Childhood Center, offices and potential office tenants. He asked if the applicant had an idea of the number of vehicles that would use the facility on a daily basis.

Daniel Rosenthal, agent on behalf of Kol Rinah, noted that the City Code regulates parking by use, assuming that all uses occur at the same time, but theirs do not.

Acting Chairman Disney asked about the number of children that will be enrolled in the early childhood center.

Mr. Rosenthal replied “68”; adding that it is designed to accommodate 120 students.

Acting Chairman Disney commented that there will be more than one teacher. He asked again if the applicant knew how many cars and/or people will be at the facility on an average day.

Mr. Rosenthal replied “20 to 30 cars daily”.

Acting Chairman Disney referred to pedestrian activity and vehicular activity.

Mr. Rosenthal stated that people will be directed to the intersection (Hanley & Maryland) to cross the street to access the facility.

Liza Streett questioned the need for the increased number of parking spaces if 20 to 30 cars are there daily and there are 27 spaces now.

Mr. Rosenthal referred to the addition and noted that the existing parking does not comply with current requirements. He stated that they are attempting to provide as much on-site parking as possible.

Liza Streett asked if Pierre LaCledé offered more spaces.

Mr. Feder indicated that they asked for sufficient number.

Liza Streett asked if Kol Rinah is growing.

Mr. Rosenthal stated that it is stable.

Liza Streett asked how many they believe will be in the congregation in 5 years.

Mr. Rosenthal stated that it is difficult to predict, but they don’t anticipate growth.

Liza Streett commented that other churches have expanded and she is concerned about the impact.

Mr. Feder indicated that they have had discussions with US Bank to provide weekend parking, if needed; however, they did not pursue a parking agreement with them as the parking being provided by Pierre LaClede exceeds that required. He added that parking at the old Famous Barr property is also possible noting that the distance of parking in the City's regulations is 500-feet from the subject property.

Mitch Shenker, President, informed that the Early Childhood Center does not have a specific start and end time; they begin at 7:30 a.m. Most children are dropped off between 7 and 9 a.m. and picked-up between 3:30 and 6. He stated that there is no issue with traffic back-up now and they don't anticipate that there will be.

Acting Chairman Disney referenced the language contained in the letter from Pierre LaClede says "approximately", adding that he hopes they need more. He stated that there have been past issues with people parking in the residential streets and blocking driveways.

Rick Bliss voiced his concern about the request for 6.43% coverage variance. He stated that he believes that Pierre LaClede will provide ample parking and questioned whether, if they reduced the number of on-site spaces to 35, they would need to seek a coverage variance. He asked the applicant if they want 40 on-site spaces.

Susan Istenes stated that she does not know what the total coverage would be if 5 spaces were removed from the equation.

Rick Bliss questioned how many parking spaces would get them under the coverage allowed without the need for a variance.

Mr. Cooperstein commented that the majority of their congregation is elderly.

Mr. Rosenthal informed the members that they want the maximum number of cars on-site as possible and they tried to get more than 40.

It was determined that 1 parking space equals ½% coverage, so to reduce the coverage by 6%, they would have to lose 12 parking spaces.

Rabbi Noah Arnow addressed the Board by stating that he works in the building every day; there are 2 teachers per classroom, 2 directors and 5-6 office workers. He stated that when there's a meeting there are more cars and that cars come and go during the day. He stated that there are parents with small children and the elderly and they are trying to be respectful to them.

Acting Chairman Disney stated that there are no hard facts being presented; only anticipation.

Rabbi Arnow commented that he does not expect every parking space to be occupied all day every day.

Ray Tait asked what the percentage of reduction would be if the sidewalks were not included in the total impervious lot coverage.

Gary Feder stated that the staff report indicates “60%”.

Rick Bliss asked the applicant if they would be willing to deed the property [containing the sidewalks] to the City.

Susan Istenes informed the members that Hanley Road is a County Road.

Jack Oates, 103 Linden Avenue, indicated that he had not received notification about this meeting/request. He asked to see the proposed location of the dumpster and the plan for trash removal. He then asked if the parking agreement with Pierre Laclede is long-term.

Mr. Feder stated that there is no time limit; the agreement will last as long as Pierre Laclede owns the property. He stated that if this parking were lost, they would move on to Plan B (US Bank, Washington University...that there are a number of alternatives).

Mr. Oates mentioned traffic movements on Linden Avenue. He suggested removing 6 parking spaces and putting in a 4-foot berm at the intersection.

Mr. Feder commented that the review here relates to the variances and that those are site plan issues which will be discussed during the site plan review process. He stated that he welcomes comments but emphasized that this meeting is for the variance requests.

Mr. Oates indicated that he did not know the protocol. He noted that Linden Avenue does not support heavy traffic.

Susan Istenes agreed that this meeting is for the purpose of discussing the variances; the site design will go through a separate review process and a conditional use permit will be required for the childcare center.

Acting Chairman Disney asked if conditions can be placed on variance approvals.

Ken Heinz and Susan Istenes replied “yes”.

Acting Chairman Disney commented that there is no study to support the claims being made regarding traffic circulation. He added that this Board can postpone a vote until further information is provided.

Mr. Oates stated that an impact study needs to be done.

Rabbi Arnow reiterated that the daycare does not have a specific open and close time and children are dropped off and picked up in a 3 hour span in the morning and a 3-4 hour span in the afternoon.

Acting Chairman Disney stated that he's sure most children are dropped off on the way to work.

Rabbi Arnow indicated that the majority of the children are dropped off between 7:30 and 9 a.m.; adding that there's no particular "rush".

Mr. Rosenthal announced that the code requires 1 parking space for each 300 square feet for both the day care use (5,283 sq. ft. = 18 spaces) and the office use (6,583 sq. ft. = 22 spaces).

Liza Streett asked if they considered pervious pavers.

Susan Istenes informed the members that the Code does not recognize permeable paver materials as pervious.

Rick Bliss asked if they proposed doing the project in two phases and avoid the trigger (20%) to require parking for the entire building (do 18% one year and 18% a year after that).

Susan Istenes stated that she does not like hypotheticals, but generally speaking, she stated that the City looks at projects one at a time, so if they applied for a project that did not trigger the requirement, then, no, for the most part.

Acting Chairman Disney asked if they could go to the Plan Commission first and then come before this Board.

Susan Istenes stated that the Plan Commission looks at site plans in accordance with current code and feels it is improper to seek approval of a site plan that does not meet Code and has not received variance approval. She stated that this is an unusual situation here in that the public sidewalk is within the property boundaries (on the site) and our code does not allow them to be excluded.

Acting Chairman Disney asked if this is inherent in an urban environment.

Susan Istenes concurred, adding that it happens with expansion and growth as it did at Central Presbyterian Church.

Mr. Feder informed the members that his clients were told that this matter needed resolved first. He agreed that this is an unusual situation with the sidewalk and he believes the parking variance request is reasonable as is the coverage request. He added that without this Board's approval, they cannot move forward.

Rick Bliss asked what the recourse is if Pierre LaClede sold their property or changed their mind with respect to the parking.

Susan Istenes stated that the City has required lease agreements when there has been shared parking.

Acting Chairman Heinz commented that a cross easement is easy to get.

Mr. Feder indicated that he has no objection to seeking a more formal parking agreement from Pierre LaClede and that he does not believe getting one will be a problem.

Liza Streett stated that she sympathizes with the elderly needing access and that due to lack of on-site parking, teachers and people attending the St. Michael/St. George Church services park in the area streets and wonders if this project could get by with fewer on-site spaces by having the teachers park off-site. She added that on-site parking for teachers is more of a convenience than a necessity.

Rabbi Arnow commented that the parking used on Saturday mornings and Friday nights is largely by the elderly; adding that on Saturday mornings, they could easily use all the spaces by people 80+ years of age.

Mr. Oats stated that Linden Avenue is a residential street.

Susan Istenes reiterated that site plan issues are taken up at the Plan Commission meeting; not here. She announced that notices of Plan Commission/Architectural Review Board agenda items are sent out to owners within 200-feet of all projects.

Acting Chairman Disney asked if the Plan Commission will review and landscape plan.

Susan Istenes replied “yes”.

Acting Chairman Disney stated that he appreciates the presentation and reminded the members that conditional approval is acceptable.

Rick Bliss made a motion to approve the 102 parking space variance, as requested, subject to submittal of a formal agreement/lease with Pierre LaClede establishing a minimum of 130 parking spaces being made available to the synagogue Friday evenings, Saturdays and Sundays. The motion was seconded by Ray Tait and unanimously approved by the Board. (Note that what had previously been submitted by the applicant was a “letter of intent”; not a formal agreement and/or lease).

Action was requested regarding the request for a 6.43% variance from the maximum allowable impervious coverage of 55%.

Ray Tait made a motion to approve a 6.43% variance from the impervious coverage allowance of 55%. There was no second. Motion died due to lack of a second.

Acting Chairman Disney commented that both requests have been addressed.

Acting Chairman Disney indicated that the same application cannot be submitted for at least a year; however, a different application can be submitted.

Mr. Feder stated that the two issues are linked and that they would like to move forward and the only way to get through this is to reduce parking.

Susan Istenes commented that the Plan Commission can allow coverage up to 60%.

Rick Bliss informed Mr. Feder that it seems that based on the vote, they are being encouraged to do that [reduce parking].

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 6:32 p.m.

Recording Secretary